

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Paper 1  
Filed: 30 November 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Chandler Dawson  
Junior Party  
(U.S. Patent Application 11/801,345),

v.

Chandler Dawson and Lyle Bowman  
Senior Party  
(U.S. Patent 6,239,113).

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Patent Interference No. 105,719 (MPT)  
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)<sup>1</sup>

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

(if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 2:00 p.m. on January 25, 2010 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: CHANDLER R. DAWSON, MILL VALLEY, CA

Involved Application: U.S. Application 11/801,345, filed on  
May 8, 2007

Title: Topical Treatment or Prevention of Ocular  
Infections

Assignee: Regents of the University of California

Senior Party

Named Inventors: CHANDLER R. DAWSON, MILL VALLEY, CA  
LYLE M. BOWMAN, PLEASANTON, CA

Involved Patent: U.S. Patent 6,239,113, issued on May 29, 2001, based  
upon U.S. Application 09/346,923, filed on July 2, 1999.

Title: Topical Treatment or Prevention of Ocular  
Infections

Assignee: InSite Vision Incorporated

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

A process for treating an eye according to claim 1 of U.S. Application 11/801,345 or claim 3 of U.S. Patent 6,239,113.

The claims of the parties are:

Dawson '345:	1 and 4-20
Dawson et al. '113:	1-10

The claims of the parties which correspond to Count 1 are:

Dawson '345:	1 and 4-10
Dawson et al. '113:	1-10

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Dawson '345:	11-20
Dawson et al. '113:	None

The parties are accorded the following benefit for Count 1:

None<sup>2</sup>

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<sup>2</sup> See Paper 3 for further details.

1                   Part G. Heading to be used on papers

2                   The following heading must be used on all papers filed in this interference,  
3    see SO ¶ 106.1.1:

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1 Part H. Order form for requesting file copies

2 When requesting copies of files, use of SO Form 4 will greatly expedite  
3 processing of the request. Please attach a copy of Parts E and F of this  
4 DECLARATION with a hand-drawn circle around the patents and applications for  
5 which a copy of a file wrapper is requested.

6  
7  
8  
9 /Michael P. Tierney/  
10 Administrative Patent Judge

11 Enc:

12 Copy of STANDING ORDER  
13 Copy U.S. Patent 6,239,113  
14 Copy of claims of U.S. Application 11/801,345

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16 Revised 3 January 2006

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19 cc (via overnight delivery):

20  
21 Attorney for Dawson:

22  
23 Richard Aron Osman  
24 3525 Del Mar Heights Road #915  
25 San Diego, CA 92130

26  
27 Attorney for Dawson:

28  
29 Sughrue Mion, PLLC  
30 2100 Pennsylvania Avenue, NW  
31 Suite 800  
32 Washington, DC 20037  
33